

See Attachment

*10 pm
7/25/01*

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

YONNIE BAILEY,

Petitioner

v.

JAKE MENDEZ,

Respondent

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CIVIL NO. 1:CV-00-2184

(Judge Caldwell)

**FILED
HARRISBURG**

JUL 24 2001

MARY E. D'ANDREA, CLERK
Deputy Clerk

ORDER


THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This petition for habeas corpus pursuant to 28 U.S.C. § 2241 was initiated by Yonnie Bailey, pro se and informa pauperis on December 15, 2000. Bailey, an inmate at FCI-Allenwood, White Deer, Pennsylvania, who is currently serving a federal sentence, claims that a Pennsylvania State detainer lodged against him should be removed as the Pennsylvania Board of Probation and Parole failed to timely hold a parole revocation hearing, thus forfeiting its jurisdiction over him.

By order dated February 15, 2001, the Clerk of Court was directed to serve the petition on the named respondent, Jake Mendez; the United States Attorney; and the Pennsylvania Board of Probation and Parole. On March 14, 2001, Respondent Mendez filed a response to the habeas petition. No response was filed by the

Pennsylvania Board of Probation and Parole.¹ However, upon review of the issues involved in Bailey's petition, the Court believes a response from the Pennsylvania Board of Probation and Parole is necessary to resolve this matter. Therefore, it is ordered that:

1. Within twenty (20) days of the date of this Order, the Pennsylvania Board of Probation and Parole shall respond to the allegations in the petition.
2. The Petitioner, if he desires, shall file a reply to the supplemental brief within fifteen (15) days of the date of its filing.


William W. Caldwell
United States District Judge

Date: July 24, 2001

¹The Court recognizes that the Pennsylvania Board of Probation and Parole was not previously directed to respond to the petition.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

July 24, 2001

Re: 1:00-cv-02184 Bailey v. Mendez

True and correct copies of the attached were mailed by the clerk
to the following:

Yvonne Bailey
USP-ALLENWOOD
Maximum Security Correct. Inst.
46949-066
P.O. Box 3000
White Deer, PA 17887

Matthew Edward Haggerty, Esq.
Office of the U.S. Attorney
309 Federal Building
Scranton, PA 18501

cc:

Judge	()	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()

Bankruptcy Court ()

Other

*As base of
probation & parole*

MARY E. D'ANDREA, Clerk

DATE:

7/24/01

BY:

ASm
Deputy Clerk